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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Caption in Compliance with D.N.J. LBR 9004-1(b) | |
| JOSEPH H. LEMKIN, ESQ. STARK & STARK Attorneys at Law 993 Lenox Drive Lawrenceville, New Jersey 08648 (609) 791-7022 – Telephone (609) 895-7395 – Facsimile Attorney for Secured Creditor XL Funding, LLC d/b/a Axle Funding, LLC f/k/a Auction Credit Enterprises, LLC | |
| IN RE: | CASE NO. 22-17933-JKS |
| BAV AUTO, L.L.C. a/k/a COSTA’S AUTO GALLERY | HON. JOHN K. SHERWOOD, USBJ |
| | HEARING DATE: 2/21/23 |
| | CHAPTER 11 |

**NOTICE OF MOTION FOR ENTRY OF AN ORDER GRANTING RELIEF FROM
AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)**

BAV AUTO L.L.C.
80 Columbia Avenue
Kearny, New Jersey 07032
Debtor

Steven D. Pertuz, Esq.
Law Offices of Steven D. Pertuz, LLC
111 Northfield Avenue, Suite 304
West Orange, New Jersey 07052
Counsel for Debtor

Mark Politan
Politan Law, LLC
88 East Main Street, Suite - # 502
Mendham, New Jersey 07945
Trustee

Peter J. D’Auria
Office of the U.S. Trustee
One Newark Center, Suite 2100
Newark, New Jersey 07102
U.S. Trustee’s Office

PLEASE TAKE NOTICE that on February 21, 2023, or as soon thereafter as counsel may be heard, Movant, XL Funding, LLC d/b/a Axle Funding, LLC f/k/a Auction Credit Enterprises, LLC (“XLF”), by and through its counsel STARK & STARK, Attorneys at Law, shall move before the Honorable John K. Sherwood, United States Bankruptcy Judge, at the United States Bankruptcy Court, District of New Jersey (Newark), Martin Luther King, Jr. Federal Building, located at 50 Walnut Street, Newark, New Jersey 07102, for an order granting relief from the automatic stay in this case pursuant to 11 U.S.C. § 362(d).

PLEASE TAKE FURTHER NOTICE that in support of the Motion, XLF shall rely on the accompanying Certification of Edward Tremblay, VP Collections of ACE. A proposed form of the order XLF requests be entered is also being submitted. A Memorandum of Law has not been submitted because the issues raised by the Motion are not extraordinary or unusual necessitating the filing of legal briefs.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing; (ii) specify with particularity the basis of the objection; and (iii) be filed with the Clerk, United States Bankruptcy Court, District of New Jersey (Newark), Martin Luther King, Jr. Federal Building, located at 50 Walnut Street, Newark, New Jersey 07102 and simultaneously served on XLF’s counsel, Joseph J. Lemkin, Esq., 993 Lenox Drive, Lawrenceville, New Jersey 08648, so as to be received no later than seven (7) days before the return date set forth herein.

PLEASE TAKE FURTHER NOTICE that unless objections are timely filed and served, the Motion shall be deemed uncontested in accordance with D.N.J. LBR 901-1(a) and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that XLF hereby requests oral argument in

accordance with D.N.J. LBR 9013-1(f) in the event opposition papers are timely filed.

Dated: 1/17/23

Respectfully Submitted,

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/s/ Joseph H. Lemkin
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